IN RE: PETITION FOR ZONING VARIANCE 204' S of S/S Valley Heights Dr., (11110 Valley Heights Drive) 3rd Election District 3rd Councilmanic District

1584'+/- SE of Park Heights Dr. \* DEPUTY ZONING COMMISSIONER \* OF BALTIMORE COUNTY

\* Case No. 89-368-Marc A. Appel, et ux Petitioners

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit rear yard setbacks of 39 feet and 31 feet in 1. u of the required 50 feet and 37.5 feet, respectively, for a proposed addition and existing open projection (deck), in accordance with Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protestants. Testimony indicated that the subject property, known as 11110 Valley Heights Drive, consists of 1.10 acres zoned R.C. 5, and is improved with a single family dwelling which has been the Petitioners' residence since 1981. Petitioners propose constructing a sunroom addition on the rear of the home and attaching an existing open deck to the proposed additio... Due to the layout of the existing dwelling, the requested variances are necessary in order to place the proposed addition in the most appropriate location and be compatible with the surrounding homes in the development. Petitioners testified that to the rear of the property is a heavily wooded area with the closest building approximately one-half mile away. Testimony indicated that there would be no detriment to the health, safety or general welfare of the community if the requested variances are granted. Mr. Appel further testified that he has spoken with adjoining neighbors who have indicated they have no objection to their plans.

PETITON FOR ZONING VALANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property ituate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section --- 1494, 3.B.3-(-1400, 3.B.3) - (Policy Manual - 5-4), -301.1 To-allow-a-rear-yard-setback-of-39-fev-for-an-addition-and-34-ftr-for-an-open projection-(deck)-in-lieu-of-the-required-50-ft--and-37.5-ft--respectively-of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

We desire to build a sun room addition to the back of our home. It would create a hardship and be cosmetically unattractive for it to be built in any other area of our home. Our lot backs up into a wooded area and would cause no infringement upon the view of any of our neighbors. We would also be extending our deck.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): MARC A. APPEL (Type or Print Name) (Type or Print Name) SANDRA B. APPEL (Type or Print Name) Ludu 6 1/30 City and State

Attorney for Petitioner 11110 Valley Heights Dr. 363-4150/235-Owings Mills, Md. 21117

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably preent the use of the property for a permitted purpose or render conformance unnecessarily

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

It is clear from the testimony that if the variances are granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variances requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this day of March, 1989 that the Petition for Zoning Variance to permit a rear yard setbacks of 39 feet and 31 feet in lieu of the required 50 feet and 37.5 feet, respectively, for a proposed addition and existing open projection (deck), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions, which are conditions precedent to the relief granted:

ZONING DESCRIPTION

BEING known and designated as Lot No. 6, Plat 1, Valley Heights, recorded among the Land Records of Baltimore County in Plat Book E.H.K., Jr. 40, folio 34. The improvements thereon being known as 11110 Valley Heights Drive.

> CERTIFICATE OF POSTING ZOKING DEPARTMENT OF BALTIMORE COUNTY

89-368-4 District Sad Date of Posting 2-22-89 Posted for: Pariance Petitioner: In arc a apple et ux

Location of property 204' end of creat south of 55 of Walley, Highto Drive at a point 2584' 5 F along Curve from Park Huy Location of Signa Joign in front of out feet property and and Joign with side of Valley Highto Drive at entrance to

subject property Date of return: 3-3-59

ANN M. NASTAROWICZ for Baltimore County

AMN:bjs

The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original

> - MNaturalia Deputy Zoning Commissioner

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (201) 887-3353 J. Robert Haines

March 16, 1989

Mr. & Mrs. Marc Appel 11110 Valley Heights Drive Owings Mills, Maryland 21117

RE: PETITION FOR ZONING VARIANCE 204' S of the S/S Valley Heights Drive, 1584'+/- SE of Park Heights Drive (11110 Valley Heights Drive) 3rd Election District - 3rd Councilmanic District Marc A. Appel, et ux - Petitioners Case No. 89-368-A

Dear Mr. & Mrs. Appel:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

O- M No farming ANN M. NASTAROWICZ Deputy Zoning Commissioner

for Baltimore County

Dennis F. Rasmussen

cc: People's Counsel

Petition for Zoning Variance
Case number: 89-368-A
204' end of road South of SS
Valley Heights Drive at a
point 1,584' ± SE along curve
from Park Heights Avenue
11110 Valley Heights Drive
3rd Election District
3rd Councimante
Petitioner(s):
Marc A. Appel, et ux
Hearing Date: Wednesday,
Mar. 15, 1989 at 10:30 a.m.

Variance: to allow a rear yard setback of 39 feet for an addition and 31 feet for an open projection

deck) in lieu of the required 50 nd 37.5 leet, respectively. In the event that this Petition is

granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, antertain any request for a stay of the is-

suance of said permit during the

period for good cause shown. Such request must be in writing and received in this office by the

date of the hearing set above or presented at the hearing.

J. ROBERT HAINES

NOTICE OF HUMBRIS The Zoning Commissioner of Baltimore County, by nufrently of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesspeake Avenue in Towors, Maryland 21204 as follows:

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was nublished in THE JEFFERSONIAN, a weekly newspaper printed

Po 09825 29 M25283 price \$78.60

CERTIFICATE OF PUBLICATION

Mar. 15, 1989 at 10:00 a.m. The Zorsing Convenience of Baltimore County, by authority of the Zorsing Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room "6 of the County Office Building, to cated at 111 W. Chesapeake Arenus in Towson, Marytand 21204 as follows:

Pettion for Zoning Variance
Case number: 69-388-A 2014 in an of said permit during this THIS IS TO CERTIFY, that the annexed advertisement was Case number: 89-368-A
204 end of road South of SS
Valley Heights Drive at a
point 1,584 ± SE along curve
from Park Heights Drive
3rd Election District.

3rd Courselinests

Table 1

Table 1

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Ta J. ROBERT HAINES

OWINGS MILLS TIMES.

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PO 09825 rea M25283 price \$78.60

Phone No.

#264

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353 J. Robert Haines NOTICE OF HEARING Mr. & Mrs. Herc Appel 11110 Valley Heights Drive Dudings Mills, Maryland 21117 Dennis F. Rasmussen
County Executive The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows: Petition for Zoning Variance CASE MARKERS 89-388-A 2DA and of road South of SS Valley Held along curve from Park Heights Averus 11110 Valley Heights Drive Petition for Zoning Variance 3rd Election District - 3rd Councileanic CASE NUMBER: 89-368-A Petitioner(s): Merc A. Appel, at ux 204 end of road South of SS Valley Heights Drive at a point 1,584 ± SE HEARING SCHEDILED: MEDNESDAY, MARCH 15, 1989 at 10:00 a.m. along curve from Park Heights Avenue Please be advised that 93.0 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing.

Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself. 11110 Valley Heights Drive 3rd Election District - 3rd Councilmanic Petitioner(s): Marc A. Appel, et ux HEARING SCHEDULED: WEDNESDAY, MARCH 15, 1989 at 10:00 a.m. Variance to allow a rear yard setback of 39 feet for an addition and 31 THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED. feet for an open projection (deck) in lieu of the required 50 ft. and 37.5 feet, respectively. lease make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit do and this period for good cause shown. Such request must be in writing and received in post set(s), there this office by the date of the hearing set above or presented at the hearing. BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT J. ROBERT HAINES Zoning Commissioner of Baltimore County 3/15/89/Naing 89-368-A B GZ3\*\*\*\*\*9360:\* 2152F VALIDATION OR SIGNATURE OF CASHIER 447.94 Plat for a Zoning Variance 315.52 16.E - 447.94. owner: Marc A. & Sandra Appel Zoning: RCS : Lot size: 1.10 nc 235.00 3th DISTACT 12-22-88, Plat revised by f.f. 11104 233.00 PALLEY HEIGHTS DE. (50 WIDE DI DUILDING SETBACK Z45.00 EASEMENT 1235.00--110 K., JR. 40 FOLIO 34 led for record Te OCT 5 1976 ALTIMORE COUNTY, I CALERT = 100 7 JULY 1976 FUTURE JONES FALLS SANITARY AREA Plataltered for Zonina

Valley Heights, which Plat is recorded among t Land Records of Balto. Co. in Plat Book E.H.K.

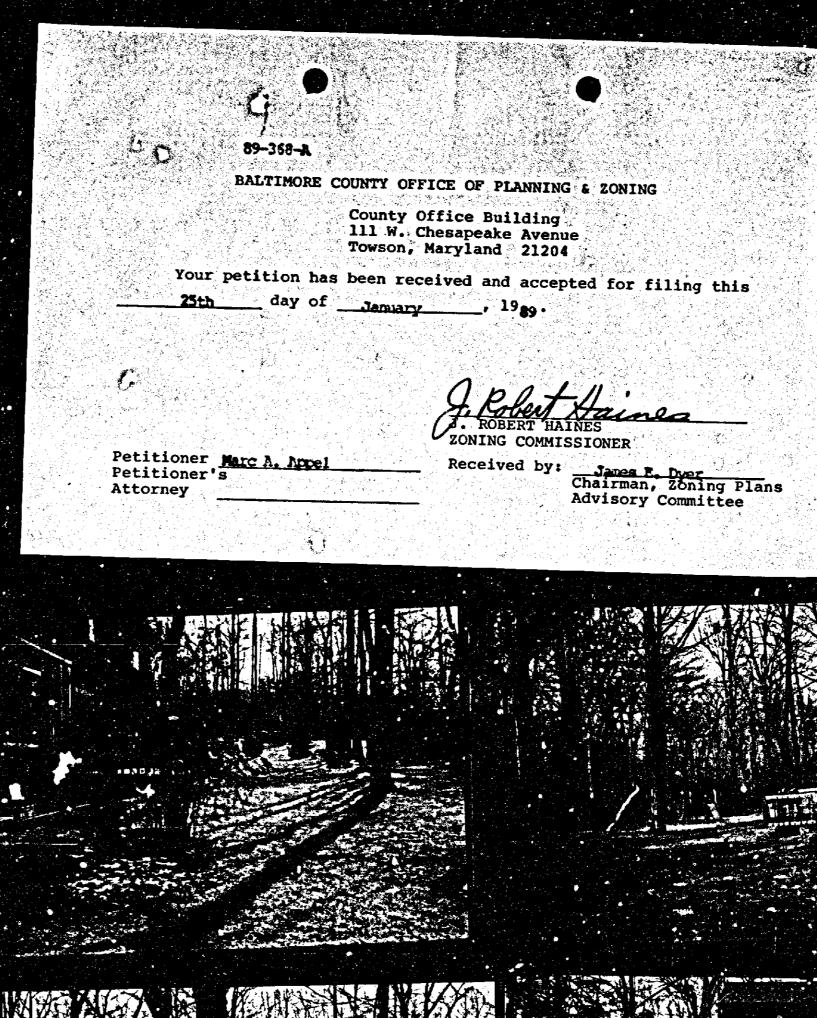
PLAT 20NING VALIANCE EHK BOK 40 to
OWNER - MARC A. I SANDRA B. APIEL
2388WILLION - VALLEY ITEILHTS, Plat 1, Lot #6

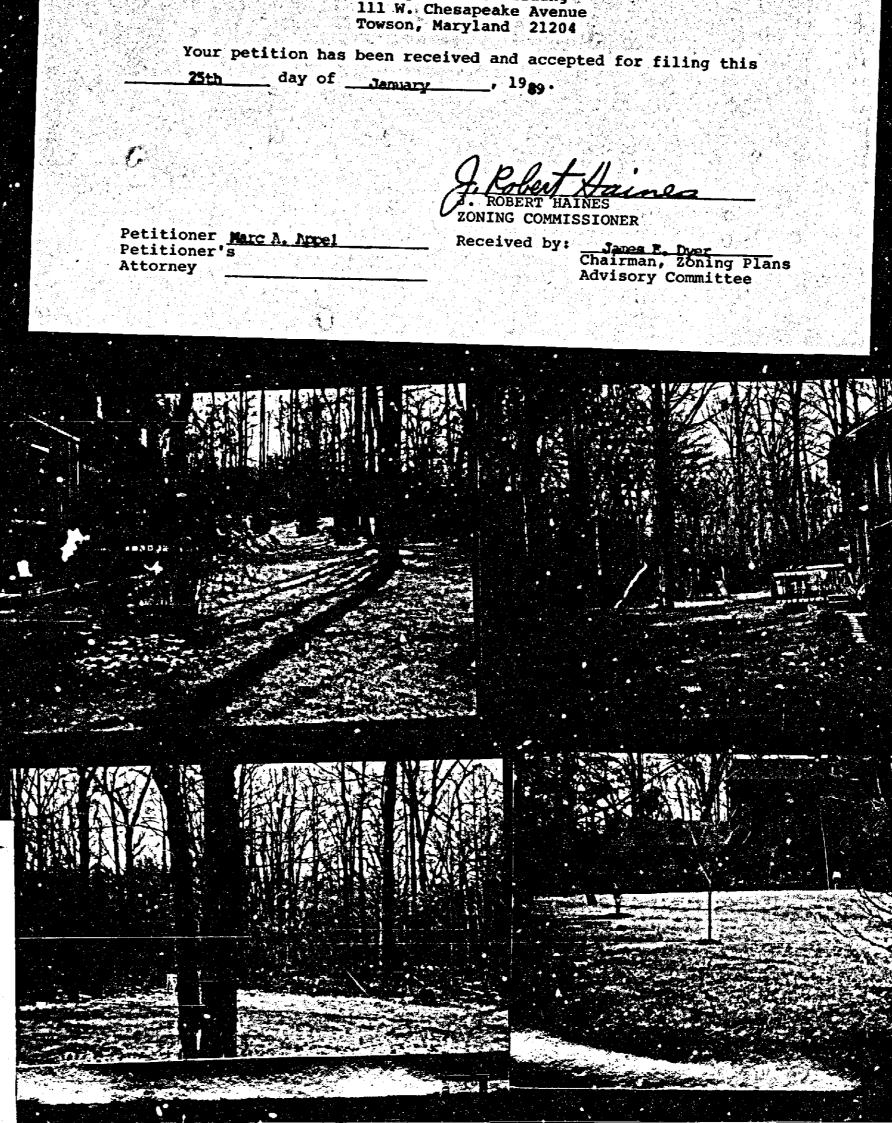
LOCATION SURVEY

11110 Valley Heights Dr. 3rd District Balto.Co.,

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SEEN PREPARED
ON 3-108 OF
TODE OF

BYNS THE MAKING





Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 494-3554

March 1, 1989

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, MD 21204

Dennis F. Rusmussen

The Bureau of Traffic Engineering has no comments for items number 264, 277, 278, 280, 281, 282, 283, 284, 286, 287, 288, 292, 293, 294, 295

Very truly yours, Trichart & Plung -Michael S. Flanigan Traffic Engineer Assoc. II

MSF/lab

P. W. A. Complete Final Flat Chemins Planning -Regissering\_\_\_\_

Hours Mes.

ZONING OFFICE

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLOG. 111 W. Chesapeake Ave. Towson, Maryland 2120/

Mr. Marc A. Appel 11110 Valley Heights Drive Owings Mills, MD 21117

RE: Item No. 264, Case No. 89-368-A

Dear Mr. Appel:

Department of Traffic Engineering State Roads Commission Bureau of Fire Prevention Health Department

Aureau of Engineering

Project Plenning Building Department Board of Education Zoning Administration

Industrial Development

Petitioner: Marc A. Appel, et ux Petition for Zoning Variance

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested

March 13, 1989

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVEANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT

Very truly yours,

Chairman Zoning Plans Advisory Committee

JED:jw

Enclosures

BATIMORE COUNTY, MARNAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines TO Zoning Commissioner

Date March 7, 1989 Pat Keller, Deputy Director () / / FROM Office of Planning and Zoning

Zoning Petition Nos. 89-308-SPH (Jefferson); 89-318-A (Podles); 89-350-A SUBJECT (Khouzami); 89-354-A (Smith); 89-359-A (Heuttner); 89-363-A (Cash); 89-364-A (Kaplan); 89-368-A (Aprel); 89-369-A (Mathai); 89-375-A (Vinson); 89-376-A (Gambrill); 89-378-A (Lim); 89-379-A (Freundlich); 89-387-A (Babikov)

The Office of Planning and Zoning has no comment on the above listed

MAR 9 1989

ZONING OFFICE

CPS-208